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C O N F I D E N T I A L DAMASCUS 006547

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PARIS FOR ZEYA, LONDON FOR TSOU

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SUBJECT: LABWANI INTERROGATED BY JUDGE; PRAISES USG
STATEMENTS; ASKS BRITISH DIPLOMATS FOR EU PUBLIC SUPPORT

REF: DAMASCUS 5933

Classified By: A/CDA Kathy Johnson-Casares for reasons 1.4(b)/(d)

11. (C) SUMMARY: Prominent human rights and opposition activist Kamal Labwani was interrogated for a second time by a Criminal Court judge on December 14 for approximately two and a half hours. Labwani, who appeared to be in good spirits and good physical condition, spoke with diplomatic representatives at length, thanking President Bush for the December 10 White House public statement and encouraging future statements on behalf of the Damascus Spring detainees and himself. In an exchange with representatives from the UK Embassy, Labwani pleaded that the EU should be equally public in their efforts. END SUMMARY.

12. (C) Prominent human rights and opposition activist Kamal Labwani appeared before a Criminal Court judge on December 14 for further interrogation regarding five criminal charges, all of which are political in nature (reftel). Labwani appeared to be in good spirits and good physical condition, joking with lawyers and family members both before and after the interrogation session. Labwani's family pointed out that he was the only defendant in the court that day who had been forced to wear prison stripes to court, speculating that the authorities wanted to criminalize him in the eyes of those seeing him. Labwani, who has been detained since his return from the U.S. on November 8, was interrogated for approximately two and a half hours in the presence of his defense lawyers. According to lawyer Anwar al-Bunni, the majority of the interrogation involved the viewing of Labwani's hour-long interview with al-Hurra television from late October, followed by questions from the judge regarding his statements. Lawyer Muhannad al-Hasani added that the defense team felt they had made some progress in winning the judge over by speaking to the judge's humanitarianism, saying that he "wasn't like the other judge" (NOTE: in reference to infamous Supreme State Security judge Faez al-Nouri) who put Labwani away for three years in 2001.

13. (C) Prior to the interrogation, Labwani was able to speak with diplomatic representatives, including Poloff and two representatives from the UK Embassy. Labwani spoke very openly and expressed his satisfaction with the statements, thanking President Bush directly. He asked that such statements continue on a monthly basis so that his case and the cases of the six Damascus Spring detainees are not forgotten by either the public or the SARG. He also noted that such statements are a boost to the morale of prisoners. He also requested that the USG make a statement condemning the actions of Ali Makhoul, who he identified as the officer who had hit him during his initial days of detention (reftel). He noted that he planned to file criminal charges

against Makhlouf once he is released from detention.

¶4. (C) Labwani then turned his attention to the British Embassy representatives in the presence of Poloff, asking why the EU and the UK had not made public statements on his or the Damascus Spring detainees' behalf. Labwani reminded the representatives that he had travelled to both Europe and the U.S. and that the EU had yet to make any clear statement regarding his fate. After a UK representative explained that the EU is pursuing less high-profile, diplomatic channels to win release of the detainees, Labwani answered that he and the Damascus Spring colleagues hope that when they are released, they "hope to be able to thank both their American and European friends for their contributions." Labwani's wife and sister later commented that more public statements by the EU would help combat the popular perception that Labwani is simply a tool of the U.S.

¶5. (C) The judge will take the interrogation results under advisement. According to lawyers Bunni and Hasani, the evidence file remains empty for Labwani's case. The lawyers plan to petition for a writ of habeas corpus next week, should SARG authorities be unable to produce any evidence against their client.
JOHNSON-CASARES